

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS P. RICHARD, SR.,)	
Petitioner,)	
)	
vs.)	Civil Action No. 19-1042
)	
COMMONWEALTH OF PENNSYLVANIA,)	
et al.,)	
Respondents.)	

ORDER

AND NOW, this 22nd day of July, 2020, after the petitioner, Thomas P. Richard, Sr., filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the petitioner a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, (Docket Nos. [37], [38]), and upon independent review and consideration of the Petition, (Docket No. [16]), the Respondents' Motion to Dismiss same, (Docket No. [31]), and the Magistrate Judge's Report and Recommendation (Docket No. [35]), which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner's Objections to the Report and Recommendation [37] and [38] are OVERRULED and Respondents' Motion to Dismiss [31] is granted;

IT IS FURTHER ORDERED that the Petition [16] is dismissed, for lack of jurisdiction, as it is a successive petition, for the reasons set forth in the Opinion, *see also Richard v. District Attorney Westmoreland County, et al.*, App. No. 18-1914 (3d Cir. Jul. 20, 2018);

IT IS FURTHER ORDERED that because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied; and,

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: All counsel of record.

cc: Thomas P. Richard, Sr.
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